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EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2645

DATE MAILED: 04/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/555,951

Applicant(s)

EVANS ET AL.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on \_\_\_\_\_.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 23-44 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 23-44 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 05 September 2000 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some \* c)  None of:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) g.
- 4)  Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other:

**DETAILED ACTION**

***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show details at the box described on FIG. 1 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claim 35** is rejected under 35 U.S.C. 102(b) as being anticipated by Hulen et al. (US 5,497,373).

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Regarding **claim 35**, Hulen discloses a method of providing a mailbox answerphone service to a caller in a mobile communications system during a call directed to a directory number used commonly by different subscribers to access their mailboxes column 5, lines 26-36) [The multimedia interface performs the necessary protocol in various communications formats], comprising:

identifying, through an answerphone service, a mailbox associated with a subscriber identification code (column 8, lines 23-32) [The call service tables includes a host channel ID and processing service ID]; and

automatically entering either a first mode of answerphone operation if the call is of national origin or a second, different mode of answerphone operation if the call is of international origin (column 8, line 63 to column 9, line 9) [The CPU identifies the type of services selected].

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 23-28, 31-34, 36, 37 and 42** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hulen in view of Wilson et al. (US 5,838,772).

Regarding **claim 23**, Hulen discloses a method of providing a mailbox answerphone service to a caller in a mobile communications system during a call directed to a directory number used commonly by different subscribers to access their mailboxes (column 5, lines 26-36) [The multimedia interface performs the necessary protocol in various communications formats], comprising:

providing an identification code identifying a mailbox associated with a subscriber through an identification code through an answerphone service (column 8, lines 23-32)

[The call service tables includes a host channel ID and processing service ID]; and

entering either a first mode of answerphone operation or a second, different, mode of answerphone operation in dependence on information received during call establishment (column 8, line 63 to column 9, line 9) [The CPU identifies the type of services selected].

Hulen fails to disclose the call is of international origin.

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However, Wilson teaches a method of indicating whether the call is of international origin (column 8, lines 31-38) [The country of origin will be passed to the equipment].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the call is of international origin of Wilson in the invention of Hulen.

Doing so would identify the numbers of calls for each country.

Regarding **claim 24**, Hulen and Wilson as applied to **claim 23** above differ from **claim 24**.

In addition, Hulen discloses a method, further comprising in said first mode of operation, if the call is not diverted, providing a message retrieval service, and if the call is diverted, providing a message deposit service (column 6, lines 60-64).

Regarding **claim 25**, Hulen and Wilson as applied to **claim 24** above differ from **claim 25**.

In addition, Hulen discloses a method, further comprising determining whether the call is diverted using information received during call establishment (column 5, lines 26-32).

Regarding **claim 26**, Hulen and Wilson as applied to **claim 23** above differ from **claim 26**.

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In addition, Hulen discloses a method, further comprising providing in said second mode of operation either a message deposit service or a message retrieve service in dependence of a receipt of a selection indicator from said caller during the call (column 6, lines 60-64).

Regarding **claim 27**, Hulen and Wilson as applied to **claim 26** above differ from **claim 27**.

In addition, Hulen discloses a method, further comprising in said second mode prompting said caller, after inputting said identification code during the call, for a voice message to be received and stored, and providing said message retrieve service if said indicator is received from said user (column 5, lines 26-36).

Regarding **claim 28**, Hulen and Wilson as applied to **claim 26** above differ from **claim 28**.

In addition, Hulen discloses a method, wherein said indicator comprises a DTMF tone (column 7, lines 37-40).

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Regarding **claim 31**, Hulen and Wilson as applied to **claim 23** above differ from **claim 31** in that it fails to disclose an international origin indicator in signaling associated with the call.

However, Wilson discloses a method, further comprising identifying a call of international origin through an international origin indicator in signaling associated with the call (column 7, lines 44-51).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use an international origin indicator in signaling associated with the call of Wilson in the invention.

Doing so would have the contact number on the international network.



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Regarding **claim 32**, Hulen and Wilson as applied to **claim 23** above differ from **claim 32** in that it fails to disclose a calling line identity (CLI) signal, and an international origin indicator.

However, Wilson discloses a method, further comprising: associating the call with a divert flag, a calling line identity (CLI) signal, and an international origin indicator;

setting said divert flag if the call is diverted from a mobile station to said apparatus and said mobile station is located within a coverage area of said mobile communications system (column 7, lines 51-56);

associating said CLI signal with the call if the call originates or is diverted from a mobile station within said coverage area and said mobile station is preset to transmit said CLI signal (column 8, lines 1-8); and

associating said international origin indicator with the call if the call originates or is diverted from a mobile station and said mobile station is used at a location causing said international origin indicator to be sent to said mobile communications system during call establishment (column 8, lines 31-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a calling line identity (CLI) signal, and an international origin indicator of Wilson in the invention.

Doing so would allow different audio information for each originating country.

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Regarding **claim 33**, Hulen and Wilson as applied to **claim 32** above differ from **claim 33** in that it fails to disclose a voice message to be received and stored.

However, Wilson discloses a method, further comprising providing a message deposit service to said caller if said divert flag is set, and prompting in said message deposit service said caller for a voice message to be received and stored (column 7, lines 56-60).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a voice message to be received and stored of Wilson in the invention.

Doing so would record the caller message for later access from the subscriber.

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Regarding **claim 34**, Hulen and Wilson as applied to **claim 32** above differ from **claim 34** in that it fails to disclose the divert flag not set and said CLI associated with the call.

However, Wilson discloses a method, further comprising providing a message retrieve service to said caller if said divert flag is not set and said CLI is associated with the call, or said divert flag is not set, said CLI signal is not associated with the call, and identification code is received from said caller during the call, and in said retrieve service a stored voice message is retrieved and provided to said caller (column 8, lines 21-30).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the divert flag not set and said CLI associated with the call of Wilson in the invention.

Doing so would provide various modes of operations.

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Regarding **claim 36**, Hulen as applied to **claim 35** above differ from **claim 36** in that it fails to disclose the origin of the call using information received during call establishment.

However, Wilson discloses a method, further comprising deriving the origin of the call using information received during call establishment (column 8, lines 31-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the origin of the call using information received during call establishment of Wilson in the invention of Hulen.

Doing so would pass the information to the equipment.

Regarding **claim 37**, Hulen as applied to **claim 35** above differ from **claim 37** in that it fails to disclose the common directory number by all subscribers to access the answer phone service.

However, Wilson discloses a method; further comprising using said common directory number by all subscribers to access said answerphone service (column 7, lines 44-46).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the common directory number by all subscribers to access the answer phone service of Wilson in the invention of Hulen.

Doing so would provide a personal number for a "follow me".

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Regarding **claim 42**, Hulen discloses a voice processing system for a mobile communications system, adapted to identify a mailbox associated with a subscriber by way of an identification code processed through an answerphone service (column 5, lines 26-36) [The multimedia interface performs the necessary protocol in various communications formats], to enter either a first mode of answerphone operation (column 8, line 63 to column 9, line 9) [The CPU identifies the type of services selected].

Hulen fails to disclose the call is of international origin.

However, Wilson teaches a second, different, mode of answerphone operation in dependence on information received during call establishment indicating whether the call is of international origin (column 8, lines 31-38) [The country of origin will be passed to the equipment].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the call is of international origin of Wilson in the invention of Hulen.

Doing so would identify the numbers of calls for each country.

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6. **Claims 29 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hulen in view of Wilson and in further view of Kennedy, III et al. (US 5,539,810).

Regarding **claim 29**, Hulen and Wilson as applied to **claim 23** above differ from **claim 29** in that it fails to disclose prompting said caller for said identification code.

However, Kennedy discloses a method, further comprising prompting said caller for said identification code if said identification code is otherwise not associated with the call when received (column 11, lines 33-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use prompting said caller for said identification code of Kennedy in the invention of Hulen and Wilson.

Doing so would request an identification code.

Regarding **claim 30**, Hulen and Wilson as applied to **claim 23** above differ from **claim 29** in that it fails to disclose an identification code for a directory number of the subscriber.

However, Kennedy discloses a method, wherein said identification code corresponds to a directory number of said subscriber (column 11, lines 17-19).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use an identification code for a directory number of the subscriber of Kennedy in the invention of Hulen and Wilson.

Doing so would program special dial numbers.

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7. **Claims 38 and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US 6,333,973) in view of Venturini (US 5,987,317).

Regarding **claim 38**, Smith discloses a method of providing a mailbox answerphone service to a caller in a mobile communications system (column 3, lines 48-54) [The integrated message center resides in a mobile communication], wherein said answerphone service identifies a mailbox associated with a subscriber by way of an identification code (column 8, lines 40-45) [The icons identified voice mail and other services], said method comprising:

receiving a call from a mobile handset, the call being directed to a directory number used commonly by different subscribers to access their mailboxes (column 7, lines 7-12) [The voice signals are received from the mobile];

allowing said caller to input a selection indicator during the call (column 8, lines 36-40) [The user is presented a selectable list]; and

(a) if said indicator is not received, detecting a first identification code associated with said mobile handset from information received during call establishment and providing a message retrieve service to allow the caller to retrieve messages from the mailbox associated with said first identification code (column 9, line 61 to column 10, line 2) [The user have the option to press keys to access the server].

Smith fails to disclose allowing the caller to retrieve messages associated with a second identification code.

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However, Venturini teaches if said indicator is received, allowing the user to input a second identification code and providing a message retrieve service to allow the caller to retrieve messages from the mailbox associated with said second identification code (column 8, lines 19-28) [The mobile dials the prestored access code].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use allowing the caller to retrieve messages associated with a second identification code of Venturini in the invention of Smith.

Doing so would automatically dial the prestored access code.



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Regarding **claim 44**, Smith discloses an apparatus for use in a mobile communications system, said mobile communications system being arranged to establish a communications link with said apparatus in response to a call by a user (column 7, lines 7-12), said apparatus being responsive during the call to receipt of a response selection indicator (column 8, lines 36-40).

Smith fails to disclose allowing the caller to retrieve messages associated with a second identification code.

However, Venturini teaches a receipt of a number of identification codes each being associated with a different mobile subscriber, wherein said apparatus is arranged to select one of said mobile subscribers and/or to select one of a plurality of predetermined responses if said response selection indicator is received, and otherwise to automatically provide a particular response relating to one of said mobile subscribers (column 8, lines 7-28) [The user can access the voice-mail of any network].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use allowing the caller to retrieve messages associated with a second identification code of Venturini in the invention of Smith.

Doing so would request the message stored in the voice mail to be retrieved.

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8. **Claims 39 and 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Venturini and in further view of Beyda et al. (US 5,889,839).

Regarding **claim 39**, Smith and Venturini as applied to **claim 38** above differ from **claim 39** in that it fails to disclose a directory number of a different subscriber.

However, Beyda discloses a method; wherein each of said identification codes corresponds to a directory number of a different subscriber (column 3, lines 58-62).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a directory number of a different subscriber of Beyda in the invention of Smith and Venturini.

Doing so would call a special number.

Regarding **claim 40**, Smith and Venturini as applied to **claim 38** above differ from **claim 40** in that it fails to disclose a security code associated with the mailbox being accessed.

However, Beyda discloses a method, further comprising prompting said caller for a security code associated with the mailbox being accessed (column 3, lines 58-62).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a security code associated with the mailbox being accessed of Beyda in the invention of Smith and Venturini.

Doing so would enter a code in the cellular telephone.

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9. **Claim 41** is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Venturini and in further view of Hulen.

Regarding **claim 41**, Smith and Venturini as applied to **claim 38** above differ from **claim 41** in that it fails to disclose an indicator including a DTMF tone code.

However, Hulen discloses a method, wherein said indicator comprises a DTMF tone code (column 7, lines 37-40).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use an indicator including a DTMF tone code of Hulen in the invention of Smith and Venturini.

Doing so would configure the multi-media interface to process the time slots.

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10. **Claim 43** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hulen in view of Venturini.

Regarding **claim 43**, Hulen discloses an apparatus for use in a mobile communications system, said apparatus being adapted to store messages for subsequent retrieval by a subscriber of the mobile communications system (column 5, lines 16-18) [The MMI provides messaging services] wherein said apparatus is adapted to identify a first subscriber making a call to retrieve a message by means of an identification signal automatically forwarded to said apparatus during call establishment, said signal identifying the equipment being used by said subscriber (column 8, lines 23-32) [The call service tables includes a host channel ID and processing service ID].

Hulen fails to disclose allowing the caller to retrieve messages associated with a second identification code.

However, Venturini teaches wherein said apparatus is further adapted to identify a second subscriber, on receipt of a request from said second subscriber during the call, by way of other information supplied by said second subscriber during the call (column 8, lines 19-28) [The user can access the voice-mail of any network].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use allowing the caller to retrieve messages associated with a second identification code of Venturini in the invention of Smith.

Doing so would request the message stored in the voice mail to be retrieved.

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**Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bannister et al. is cited for a method for providing user-controlled calls management's services (FIG. 1A).

Fortman is cited for a system for automatically delivering messages to a telecommunications device (FIG. 1).

Urs et al. is cited for a method for providing voice mail service (FIG. 1).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

  
g.g.

April 15, 2002

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
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